

EXPRESS MAIL LABEL NO. EM061016724US

PATENT APPLICATION
Docket No.: 2409.3273.2US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Geoffrey S. Martin

Continuation Application of:

Serial No.: 481,169

Filed: June 7, 1995

For: MULTIPLE LUMEN CATHETER

Prior Examiner: Ronald K. Stright, Jr.

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Prior Art Unit
3306

jc586 U.S. PTO
09/139705
08/25/98

INFORMATION DISCLOSURE STATEMENT

BOX: PATENT APPLICATION
Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.97 and 1.98(a)(1), transmitted herewith is a Form PTO-1449 containing a list of all patents, publications, or other references that have come to the attention of one or more of the individuals identified in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. § 102 or § 103, the transmitted list of references is disclosed in compliance with the duty of disclosure set forth in 37 C.F.R. § 1.56.

No representation is made that a specific search of office files or Patent Office records has been conducted, or that no better art exists. Nevertheless, the undersigned attorney of record

believes that the transmitted references constitute art that is the closest to the claimed invention taken in its entirety of which the undersigned is presently aware, and no art which is closer to the claimed invention taken in its entirety has been knowingly withheld.

The references listed on the transmitted Form PTO-1449 are below classified for the convenience of the Examiner in one of the following category of references set forth for specific treatment in accordance with the subsections of 37 C.F.R. § 1.98.

I. REFERENCES PREVIOUSLY DISCLOSED

The present application is related to or claims priority under 35 U.S.C. § 120 to the following prior applications:

- a. United States Patent Application Serial No. 288,364 filed on December 22, 1988, (hereinafter "the Great-Great-Grandparent Application");
- b. United States Patent Application Serial No. 785,351 filed on October 30, 1991, now abandoned (hereinafter "the Great-Grandparent Application"), which is a continuation of the Great-Great-Grandparent Application;
- c. United States Patent Application Serial No. 205,331 filed on March 3, 1994, (hereinafter "the Grandarent Application") which is a continuation of the Great-Grandparent Application;
- d. United States Serial No. 481,169 filed July 7, 1995, (hereinafter "the Parent Application") which is a continuation of the Grandparent Application; and

e. United States Patent Application Serial No. 699,421 filed on August 4, 1992, (hereinafter "the '421 Application") which is a divisional of the Great-Grandparent Application.

The following of the references listed on the transmitted Form PTO-1449 were each previously submitted to or cited by the United States Patent and Trademark Office in at least one of the above-listed the prior related prosecutions:

1. United States Patent Documents Previously Disclosed:

<u>Patent No.</u>	<u>Issue Date</u>	<u>Patentee</u>
Re.31,873	04/30/85	Howes
Des.272,651	02/14/84	Mahurkar
0,550,238	11/26/1895	Allen, Jr.
1,696,018	12/18/28	Schellberg
1,922,084	04/24/31	Gerow
2,173,527	09/19/39	Agayoff
2,175,726	10/10/39	Gebauer
2,230,218	06/02/38	Asche
2,409,343	04/05/43	Curtis
2,473,742	06/21/49	Auzin
2,561,569	07/24/51	Flynn
2,564,977	08/21/51	Quang Hsi Hu
2,590,895	04/01/52	Scarpellino
2,819,718	07/16/53	Goldman
2,936,761	05/17/60	Snyder
3,042,045	07/03/62	Sheridan
3,055,361	09/25/62	Ballard
3,064,653	11/20/62	Coanda
3,174,890	03/23/65	Goyke
3,322,590	05/30/67	Clark
3,324,854	06/18/67	Weese
3,331,371	07/18/67	Rochi

<u>Patent No.</u>	<u>Issue Date</u>	<u>Patentee</u>
3,359,974	12/26/67	Khalil
3,370,587	02/27/68	Vizcarra
3,394,705	07/30/68	Abramson
3,411,506	11/19/68	Velasco
3,437,088	04/08/69	Bielinski
3,448,739	06/10/69	Stark et al.
3,452,756	07/01/69	Harautuneian
3,467,180	09/16/69	Pensotti
3,469,579	09/30/69	Hubert
3,528,869	09/15/70	Dereniuk
3,593,713	07/20/71	Bogoff
3,625,793	12/07/71	Sheridan
3,634,924	01/18/72	Blake et al.
3,720,210	03/13/73	Diettrich
3,726,281	04/10/73	Norton et al.
3,746,003	07/17/73	Blake
3,746,033	07/17/73	Keiper, II
3,771,527	11/13/73	Ruisi
3,804,097	04/16/74	Rudie
3,805,794	04/23/74	Schlesinger
3,817,389	06/18/74	Weichselbaum
3,848,602	11/19/74	Gutnick
3,885,567	05/27/75	Ross
3,888,249	06/10/75	Spencer
3,976,529	08/24/76	Weichselbaum
3,983,203	09/28/76	Corbett
3,995,623	12/07/76	Blake et al.
4,003,665	01/18/77	Dreyer et al.
4,004,588	01/25/77	Alexander
4,016,879	04/12/77	Mellor
4,027,668	06/07/77	Dunn
4,037,599	07/26/77	Raulerson
4,050,667	09/27/77	Kossett
4,057,065	11/08/77	Thow
4,063,980	12/20/77	Trunnell
4,072,146	02/07/78	Howes
4,072,153	02/07/78	Swartz
4,098,275	07/04/78	Consalvo
4,099,528	07/11/78	Sorenson et al.
4,100,246	07/11/78	Frisch

<u>Patent No.</u>	<u>Issue Date</u>	<u>Patentee</u>
4,134,402	01/16/79	Mahurkar
4,168,703	09/25/79	Kenigsberg
4,171,943	10/23/79	Tschanz et al.
4,178,936	12/12/79	Newcomb
4,180,068	12/25/79	Jacobsen et al.
4,180,076	12/25/79	Betancourt
4,198,984	04/22/80	Taylor
4,202,332	05/13/80	Tersteegen
4,203,436	05/20/80	Grimsrud
4,210,479	07/01/80	Fabisiewicz
4,214,593	07/29/80	Imbruce et al.
4,217,895	08/19/80	Sagae et al.
4,248,224	02/03/81	Jones
4,251,305	02/17/81	Becker et al.
4,268,338	05/19/81	Peterson
4,270,535	06/02/81	Bogue et al.
4,299,226	11/10/81	Banka
4,309,994	01/12/82	Grunwald
4,336,036	06/22/82	Leeke et al.
4,352,354	10/05/82	Ujihara
4,354,495	10/19/82	Bodicky
4,364,394	12/21/82	Wilkinson
4,384,186	05/17/83	Burt
4,385,631	05/31/83	Uthmann
4,390,383	06/28/83	van Dongeren
4,392,848	07/12/83	Lucas, et al.
4,398,910	08/16/83	Blake et al.
4,403,983	09/13/83	Edelman et al.
4,403,985	09/13/83	Boretos
4,404,159	09/13/83	McFarlane
4,405,313	09/20/83	Sisley et al.
4,406,656	09/27/83	Hattler et al.
4,419,095	12/06/83	Nebergall et al.
4,425,177	01/10/84	Shinno
4,451,252	05/29/84	Martin
4,484,585	11/27/84	Baier
4,493,696	01/15/85	Uldall
4,496,353	01/29/85	Overland et al.
4,543,087	09/24/85	Sommercorn et al.
4,545,390	10/08/85	Leary

<u>Patent No.</u>	<u>Issue Date</u>	<u>Patentee</u>
4,551,292	11/05/85	Fletcher et al.
4,568,329	02/04/86	Mahurkar
4,573,966	03/04/86	Weikl et al.
4,583,968	04/22/86	Mahurkar
4,619,643	10/28/86	Bai
4,623,327	11/18/86	Mahurkar
4,643,711	02/17/87	Bates
4,661,300	04/28/87	Daugherty
4,668,221	05/26/87	Luther
4,668,225	05/26/87	Russo et al.
4,670,009	06/02/87	Bullock
4,681,564	07/21/87	Landreneau
4,682,978	07/28/87	Martin
4,692,141	09/08/87	Mahurkar
4,701,159	10/20/87	Brown et al.
4,714,460	12/22/87	Calderon
4,717,379	01/05/88	Ekholmer
4,748,984	06/07/88	Patel
4,753,640	06/28/88	Nichols et al.
4,756,303	07/12/88	Kawashima et al.
4,762,120	08/09/88	Hussein
4,763,654	08/16/88	Jang
4,769,005	09/06/88	Ginsburg et al.
4,772,268	09/20/88	Bates
4,782,834	11/08/88	Maguire et al.
4,790,813	12/13/88	Kensey
4,795,439	01/03/89	Guest
4,801,297	01/31/89	Mueller
4,813,429	03/21/89	Eshel et al.
4,822,345	03/16/88	Danforth
4,838,881	06/13/89	Bennett
4,842,582	06/27/89	Mahurkar
4,867,742	08/07/87	Calderon
4,894,057	01/16/90	Howes
4,898,591	02/06/90	Jang et al.
4,934,340	06/19/90	Ebling et al.
4,961,809	10/09/90	Martin
4,968,307	11/06/90	Dake et al.
4,995,865	02/26/91	Gahara et al.
5,004,455	04/02/91	Greenwood et al.

<u>Patent No.</u>	<u>Issue Date</u>	<u>Patentee</u>
5,007,897	04/16/91	Kalb et al.
5,009,636	04/23/91	Wortley et al.
5,015,232	05/14/91	Maglinte
5,019,057	05/28/91	Truckai
5,021,044	06/04/91	Sharkawy
5,057,073	10/15/91	Martin
5,135,599	08/04/92	Martin et al.
5,167,623	12/01/92	Cianci et al.
5,195,962	03/23/93	Martin et al.
5,207,650	05/04/93	Martin
5,221,255	06/22/93	Mahurkar et al.
5,221,256	06/22/93	Mahurkar
5,236,417	08/17/93	Wallis
5,451,206	09/19/95	Young
5,472,917	12/05/95	Martin et al.

2. Foreign Patent Documents Previously Disclosed:

<u>Country</u>	<u>Document Number</u>	<u>Date</u>
Belgium	0,834,211	02/02/76
Canada	0,050,089	08/09/82
Canada	0,960,932	01/14/75
Canada	1,092,927	01/06/81
Canada	1,112,533	09/07/77
Canada	1,150,122	07/19/83
Canada	1,167,722	05/22/84
Europe	0,025,704 B1	10/19/83
Europe	0,036,642 A2	09/30/81
Europe	0,079,719 A1	05/25/83
Europe	0,161,863 B1	07/25/90
Europe	0,322,225 A2	12/21/88
Europe	0,333,308 A2	09/20/89
Europe	0,381,062 B1	03/23/94
Europe	0,440,992 A2	12/31/90
Europe	0,555,780 A2	02/05/93
France	0,804,309	10/21/36
France	1,508,959	01/22/62

<u>Country</u>	<u>Document Number</u>	<u>Date</u>
France	2,285,148	09/20/74
France	2,297,640	01/15/75
France	2,565,491	06/08/84
Germany	0,195,412	05/16/07
United Kingdom	1,419,702	12/31/75
United Kingdom	2,043,449	10/08/80

3. Other References Previously Disclosed:

Arrow International, Inc., 510(k) Notification Multi-Lumen M.I.S.™ Catheterization System (April 14, 1982).

Arrow International, Inc., 510(k) Notification Arrow Central Venous Multi-Lumen Catheter with Flex Tip (August 25, 1986).

Arrow International, Inc., Anesthesia and Critical Care Catheterization Products, Hospital Price Schedule (May 1988).

Arrow International, Inc., Arrow®-Howes™ Multi-Lumen Central Venous Catheterization Kit (*circa* 1986)

Arrow International, Inc., The Arrow Multi-Lumen Catheter System (*circa* 1986)

American Edwards Laboratories, EDSLAB Thermodilution and Monitoring Catheters (*circa* 1982).

American Edwards Laboratories, The EDSLAB 6F Thermodilution Catheter (May 1980).

American Edwards Laboratories, The EDSLAB 7F Thermodilution Catheter (July 1980).

American Edwards Laboratories, Thermodilution Catheter Drawings (September 2, 1976).

Eric A. Bour et al., Experience With the Double Lumen Silastic® Catheter for Hemoaccess, Surgery, Gynecology & Obstetrics 33 (July 1990).

Barry M. Brenner & Floyd C. Rector, Jr., The Kidney 1684 (1976).

Todd L. Demmy & David V. Feliciano, A Modified Technique for Changing Triple-Lumen Catheters, Surgical Rounds 58 (Nov. 1988).

Stephen P. Gatt, A Quadruple-Lumen Intravenous Infusion Catheter, 11 Anaest Intens Care 261-62 (1983).

Alan C. Geiss & Patrick P. Montefusco, Placement of an Implantable Percutaneous Permanent Triple-Lumen Catheter, 149 The American Journal of Surgery 395 (Mar. 1985).

Harold W. Horowitz et al., Central Catheter-Related Infections: Comparison of Pulmonary Artery Catheters and Triple Lumen Catheters for the Delivery of Hyperalimentation in a Critical Care Setting, 14 J. of Parenteral and Enteral Nutrition 588 (Nov./Dec. 1990).

Jeffrey L. Kaufman et al., Clinical Experience with the Multiple Lumen Central Venous Catheter, 10 J. of Parenteral and Enteral Nutrition 487 (Sept./Oct. 1986).

Jean-Jacques Lanore et al., Hemodialysis for Acute Renal Failure in Patients with Hematologic Malignancies, 19 Critical Care Medicine 346 (Mar. 1991).

Sakharam D. Mahurkar & G. Dunea, Abstract of Parallel Lumen Continuous Flow Single Needle for Hemodialysis, in 5 Abstracts, ASAIO 22nd annual Meeting, San Francisco, Cal. (April 1-3, 1976).

Sakharam D. Mahurkar, The Fluid Mechanics of Hemodialysis Catheters, XXXI Trans. Am. Soc. Artif. Intern. Organs 757 (1985).

Mary C. McCarthy et al., Prospective Evaluation of Single and Triple Lumen Catheters in Total Parenteral Nutrition, 11 J. of Parenteral and Enteral Nutrition 259 (June 1987).

Henry D. McIntosh et al., Double Lumen Catheter for Use With Artificial Kidney, 169 J.A.M.A. 137 (Feb. 21, 1959).

Mitchell N. Ross et al., Comparison of Totally Implanted Reservoirs with External Catheters as Venous Access Devices in Pediatric Oncologic Patients, Surgery, Gynecology & Obstetrics 141 (Aug. 1988).

W. B. Saunders, Dorland's Illustrated Medical Dictionary 274 (25th ed. 1974).

Seigi Tsuchida et al., Single Two-Lumen Cannula Dialysis 114 J. Exp. Med. 189 (1974).

Pursuant to 37 C.F.R. § 1.98(d), copies of the above-listed references are not required, and accordingly none is being submitted herewith.¹ Pursuant to Manual of Patent Examining Procedure (M.P.E.P.) § 2001.06(b), the Examiner is respectfully requested to state in the record that each of the above-listed references have been considered in the present prosecution. For convenience, copies of each of the following forms in the prosecution of the above-listed application are enclosed:

1. From the prosecution of the Great-Great-Grandparent Application: Form PTO-892 dated February 11, 1991;
2. From the prosecution of the Great-Grandparent Application:
 - a. Form PTO-1449 initialed on August 27, 1992, and
 - b. Form PTO-892 dated August 27, 1992;
3. From the prosecution of the Grandparent Application: Form PTO-892 dated May 6, 1994;
4. From the prosecution of the Parent Application:
 - a. Form PTO-1449 initialed on February 3, 1997;
 - b. Form PTO-892 dated February 3, 1997; and
 - c. Form PTO-1449 initialed on November 25, 1997; and
5. From the prosecution of the '421 Application:
 - a. Form PTO-1449 initialed on December 2, 1991, and
 - b. Form PTO-892 dated December 2, 1991.

¹In view of the relatively substantial number of references listed above, the attention of the Examiner is respectfully drawn to the fact that during the prosecution of the Parent Application all but five (5) of those references were submitted in a set of four (4) loose-leaf notebooks with numerically tabulated dividers and a comprehensive Table of Contents of the entire set of references identifying the reference at each tab. The five (5) references not included in that notebook were USPN 5,195,962, USPN 5,472,417, the article by S. Gatt, and the pair of articles of trade of Arrow International, Inc. published *circa* 1986.

III. PREVIOUSLY CITED UNTRANSLATED REFERENCES NOT IN THE ENGLISH LANGUAGE

The following of the references among those listed above on the transmitted Form PTO-1449 are not in the English language and no English-language translation thereof is within the custody or confine or is readily available to any individual designated in 37 C.F.R. § 1.56(c).

While a copy of each has been previously submitted to or cited by the United States Patent and Trademark Office, so that no copy thereof is enclosed, and a concise explanation of the relevance of each is provided below.

Belgium Patent No. 0,834,211 to Roger Beelen, dated February 2, 1976. From the drawings this Belgian patent appears to disclose an elongated member having two (2) passageways extending longitudinally therethrough.

European Patent No. 0,036,642 to Dr. Aldredge Uthmann dated September 30, 1981. This European patent corresponds to the United States Patent No. 4,385,631 that is enclosed herein and is listed on the enclosed Form PTO-1449 as Reference No. 86.

French Patent No. 1,285,953 to J. Eynard, dated January 22, 1962. The drawings of this French patent appear to disclose an elongated member with plural passageways extending longitudinally therethrough.

French Patent No. 1,508,959 to M. Orvoine, dated January 12, 1968. Based on the drawings, this French patent appears to disclose a catheter with multiple passageways therethrough.

French Patent No. 2,285,148 to Dr. VanKemmel, September 20, 1974. Based on the drawings therein, this French patent discloses a catheter with side apertures and multiple passageways.

French Patent No. 2,297,640 to Rhone Poulenc Industries, dated January 15, 1975. Based on the drawing therein, this French patent appears to disclose a multiple lumen catheter.

French Patent No. 2,513,520 to Léopold Plowiecki, dated October 19, 1983. The drawings of this French patent appear to disclose a catheter with multiple passageways extending longitudinally therethrough.

German Patent No. 2,447,804 to Joseph H. Corbett, dated October 8, 1974. This German patent corresponds to United States Patent No. 3,983,203 that is enclosed herein and is listed on enclosed Form PTO-1449 as Reference No. 48.


German Patent No. 3,112,762 to Dr. Jürgen Schrezenmeir, dated June 9, 1988. From the drawings, this German patent appears to disclose a catheter with two side apertures.

German Patent No. 3,130,454 to Dr. Jürgen Schrezenmeir, dated April 4, 1985. The drawings of this German patent appear to disclose a catheter with multiple passageways.

German Patent No. 3,506,738 to Bruce W. Fletcher et al., dated November 5, 1985. This German patent corresponds to United States Patent No. 4,551,292 that is enclosed herein and is listed on the enclosed Form PTO-1449 as Reference No. 103.

DATED this 25th day of August 1998.

Respectfully submitted,


KENT S. BURNINGHAM
Attorney for Applicant
Registration No. 30,453

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KSB:jc
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#112/IDS

EXPRESS MAIL LABEL NO. EM061016724US

PATENT APPLICATION
Docket No.: 2409.3273.2US

jc586 U.S. PRO
09/139705
08/25/98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GEOFFREY S. MARTIN

Continuation Application of:

Serial No.: 08/481,169

Filed: June 7, 1995

For: MULTIPLE LUMEN CATHETER

Prior Examiner: Ronald K. Stright, Jr.

Art Unit
3306

TRANSMITTAL FOR
INFORMATION DISCLOSURE STATEMENT

BOX: PATENT APPLICATION
The Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Transmitted herewith pursuant to 37 C.F.R. § 1.97 for filing relative to the above-captioned new United States Patent continuation patent application is an Information Disclosure Statement which includes the following statements, if any, required variously by 37 C.F.R. §1.98:

- ☐ Statement of relevance of selected cited references not in the English language which are not translated.
- ☐ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- ☒ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing two hundred and sixteen (216) references submitted for consideration.
- ☒ Copies of two hundred and sixteen (216) of the references listed on the Form PTO-1449.
- ☐ English translations of four (4) of the references listed on the Form PTO-1449 which are not in the English language.
- ☒ Copies of the following documents from the prosecution of a previous, related application:
 - ☒ From the prosecution of United States Patent Application Serial No. 699,421:
 - a. Form PTO-1449 initialed on December 2, 1991; and
 - b. Form PTO-892 dated December 2, 1991;
 - ☒ From the prosecution of the United States Patent Application Serial No. 288,364: Form PTO-892 dated February 11, 1991;
 - ☒ From the prosecution of United States Patent Application Serial No. 785,351:
 - a. Form PTO-1449 initialed on August 27, 1992; and
 - b. Form PTO-892 dated August 27, 1992;
 - ☒ Combined Declaration and Power of Attorney dated November 30, 1995;
 - ☒ Declaration Under 37 C.F.R. § 1.47(a) dated November 30, 1995, with Schedule A attached; and
 - ☒ Decision According Status Under 37 C.F.R. § 1.47(a) dated July 2, 1996.

x From the prosecution of United States Patent Application Serial No. 205,331: Form PTO-892 dated May 6, 1994.

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods;

I. x Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.

II. Following the later of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed or authorized:

 Promptness Certificate; or

 The submission fee set forth in 37 C.F.R. § 1.17 (p) in the amount of \$220.00 is one (1) of the following:

 Enclosed in the form of Check No. ; or

 To be paid from the deposit account of the undersigned as authorized in Section C below.

III. After the mailing of a final Office Action or a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed or authorized:

 Promptness Certificate;

 Petition for Consideration; and

 The petition fee set forth in 37 C.F.R. § 1.17(i)(I) in the amount of \$130.00 is one (1) of the following:

 Enclosed in the form of Check No. ; or

_____ To be paid from the deposit account of the undersigned as authorized in Section C below.

IV. _____ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof in a continuation application, no Information Disclosure Statement, no Form PTO-1449, and no copies of references are enclosed. Instead, each of the following are enclosed or authorized:

_____ Petition to Withdraw from Issue; and

_____ The petition fee set forth in 37 C.F.R. § 1.17(i)(l) in the amount of \$130.00 is one (1) of the following:

_____ Enclosed in the form of Check No. ; or

_____ To be paid from the deposit account of the undersigned as authorized in Section C below.

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 20-1469.

x Any fee required in relation to filing of this letter or any documents transmitted therewith.

_____ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e)

_____ The submission fee set forth in 37 C.F.R. § 1.17(p).

_____ The petition fee set forth in 37 C.F.R. § 1.17(i)(l).

x Copies in duplicate of this letter are enclosed.

DATED this 25th day of August 1998.

Respectfully submitted,



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Fax: (801) 531-9168

KSB:jc
C:\3273.2.trx-ids
Docket No.: 2409.3273.2US

Transmitted:

EXPRESS MAIL LABEL NO. EM061016724US

PATENT APPLICATION
Docket No.: 2409.3273.2US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Geoffrey S. Martin et al.)	
)	
For:	MULTIPLE LUMEN CATHETER)	
)	
Continuation Application of:)	Prior Art Unit
)	3306
Serial No.:	481,169)	
)	
Filing Date:	June 7, 1995)	
)	
Prior Examiner:	Ronald K. Stright, Jr.)	

TRANSMITTAL FOR PRELIMINARY AMENDMENT

BOX: PATENT APPLICATION
The Honorable Commissioner of Patents
and Trademarks
Washington, D. C. 20231

Sir:

Transmitted herewith is a Preliminary Amendment for entry in the above-identified application.

- ☐ Small entity status of this application under 37 C.F.R. § 1.9 and § 1.27 has been established by a verified statement previously submitted.
- ☒ To secure the approval of the Examiner for proposed amendments to the drawings, enclosed are the following:
 - ☒ Letter to the Official Draftsperson;
 - ☒ Set of nine (9) sheets of informal drawings containing Figures 1-19 including the proposed amendments therein; and
 - ☒ A duplicate set of the nine (9) sheets of informal drawings with the changes therein highlighted in red.

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___ To render the transmitted Preliminary Amendment timely filed enclosed are the following:

___ Petition for a _____-Month Extension of Time for a period of _____ () months; and

___ Check No. _____ in the amount of \$ _____ comprising the corresponding fee required in relation thereto.

x No additional fee is required.

x Duplicate copies of this sheet are attached.

The fee has been calculated as follows for other than a small entity applicant:

CLAIM INVENTORY			SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
Claims Remaining After	Highest No. Previously Paid For	Present Extra	Rate	Additional Fee		Rate	Additional Fee
Total 20	Minus 20	0	\$11.00	\$		\$22.00	\$ 0.00
Indep. 3	Minus 3	0	\$41.00	\$		\$82.00	\$ 0.00
First Multiple Dependent Claim			\$135.00			\$270.00	\$ 0.00
Additional Fee			TOTAL	\$		TOTAL	\$ 0.00

___ Please charge my Deposit Account No. 20-1469 in the amount of _____.

___ Check No. _____ in the amount of \$ _____ for additional claims, if any, is enclosed.

x The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 20-1469. Duplicate copies of this sheet are attached.

x Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.

x Any patent application processing fees under 37 C.F.R. § 1.17.

DATED this 25th day of August, 1998.

Respectfully submitted,


KENT S. BURNINGHAM

Attorney for Applicant

Registration No. 30,453

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KSB/pas

Docket: 2409.3273.2US

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EXPRESS MAIL LABEL NO. EM061016724US

PATENT APPLICATION
Docket No.: 2409.3273.2US

jc586 U.S. PTO
09/139705
08/25/98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GEOFFREY S. MARTIN

Continuation Application of:

Serial No.: 08/481,169

Filed: June 7, 1995

For: MULTIPLE LUMEN CATHETER

Prior Examiner: Ronald K. Stright, Jr.

Art Unit
3306

TRANSMITTAL FOR
INFORMATION DISCLOSURE STATEMENT

BOX: PATENT APPLICATION
The Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Transmitted herewith pursuant to 37 C.F.R. § 1.97 for filing relative to the above-captioned new United States Patent continuation patent application is an Information Disclosure Statement which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- ☐ Statement of relevance of selected cited references not in the English language which are not translated.
- ☐ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- ☒ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing two hundred and sixteen (216) references submitted for consideration.
- ☒ Copies of two hundred and sixteen (216) of the references listed on the Form PTO-1449.
- ☐ English translations of four (4) of the references listed on the Form PTO-1449 which are not in the English language.
- ☒ Copies of the following documents from the prosecution of a previous, related application:
 - ☒ From the prosecution of United States Patent Application Serial No. 699,421:
 - a. Form PTO-1449 initialed on December 2, 1991; and
 - b. Form PTO-892 dated December 2, 1991;
 - ☒ From the prosecution of the United States Patent Application Serial No. 288,364: Form PTO-892 dated February 11, 1991;
 - ☒ From the prosecution of United States Patent Application Serial No. 785,351:
 - a. Form PTO-1449 initialed on August 27, 1992; and
 - b. Form PTO-892 dated August 27, 1992;
 - ☒ Combined Declaration and Power of Attorney dated November 30, 1995;
 - ☒ Declaration Under 37 C.F.R. § 1.47(a) dated November 30, 1995, with Schedule A attached; and
 - ☒ Decision According Status Under 37 C.F.R. § 1.47(a) dated July 2, 1996.

x From the prosecution of United States Patent Application Serial No. 205,331: Form PTO-892 dated May 6, 1994.

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods;

I. x Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.

II. Following the later of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed or authorized:

 Promptness Certificate; or

 The submission fee set forth in 37 C.F.R. § 1.17 (p) in the amount of \$220.00 is one (1) of the following:

 Enclosed in the form of Check No. ; or

 To be paid from the deposit account of the undersigned as authorized in Section C below.

III. After the mailing of a final Office Action or a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed or authorized:

 Promptness Certificate;

 Petition for Consideration; and

 The petition fee set forth in 37 C.F.R. § 1.17(i)(I) in the amount of \$130.00 is one (1) of the following:

 Enclosed in the form of Check No. ; or

_____ To be paid from the deposit account of the undersigned as authorized in Section C below.

IV. _____ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof in a continuation application, no Information Disclosure Statement, no Form PTO-1449, and no copies of references are enclosed. Instead, each of the following are enclosed or authorized:

_____ Petition to Withdraw from Issue; and

_____ The petition fee set forth in 37 C.F.R. § 1.17(i)(I) in the amount of \$130.00 is one (1) of the following:

_____ Enclosed in the form of Check No. ; or

_____ To be paid from the deposit account of the undersigned as authorized in Section C below.

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 20-1469.

x _____ Any fee required in relation to filing of this letter or any documents transmitted therewith.

_____ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e)

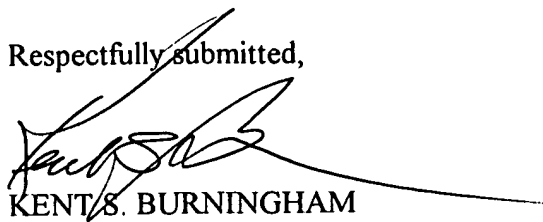
_____ The submission fee set forth in 37 C.F.R. § 1.17(p).

_____ The petition fee set forth in 37 C.F.R. § 1.17(i)(I).

x _____ Copies in duplicate of this letter are enclosed.

DATED this 25th day of August 1998.

Respectfully submitted,



KENT S. BURNINGHAM
Attorney for Applicant
Registration No. 30,453

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Docket No.: 2409.3273.2US

Transmitted: